

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CHARLES DONALD MEEKS and )  
VIVIAN JUNE MEEKS, )  
ADMINISTRATORS OF THE ESTATE OF )  
JAMES RICHARD ANDERSON, )  
 )  
Plaintiffs, )  
 )  
v. ) Civil Action No.: 7:14cv00534  
 )  
PHILIP O. EMIABATA, ) By: Elizabeth K. Dillon  
 ) United States District Judge  
and )  
 )  
PHILIP O. EMIABATA and SYLVIA )  
EMIABATA d/b/a NOVA EXPRESS, )  
 )  
Defendants. )

**ORDER**

In accordance with the memorandum opinion entered this day, it is ORDERED that defendants' motion to dismiss is GRANTED IN PART and DENIED IN PART. With the consent of plaintiffs, the motion is GRANTED as to count I of the complaint, which is hereby DISMISSED. As to the motion to dismiss plaintiffs' request for punitive damages under Rule 12(b)(6), the motion is DENIED as premature.

The Clerk is directed to send a copy of this order to all counsel of record.

Entered: April 13, 2015.

*Elizabeth K. Dillon*  
United States District Judge